

August 10, 2011

Mr. Steve Fuchs, P.E.
Project Manager, Olympic Region
PO Box 47375
Olympia, WA 98504-7375

RE: SR162, Puyallup River (McMillin) Bridge-Section 106 Consultation

Dear Mr. Fuchs,

I wish to thank Mr. Roger Kiers for his response dated, July 21, 2011, to my letter of August 31, 2010, requesting a copy of the Biological Assessment (BA) that WSDOT prepared for the McMillin Bridge. For purposes of identification I am referring to the response posted on the ftp site, Number 2009.08.17.

Please be advised that on July 14, 2011 I issued a formal complaint to the Corps of Engineers that WSDOT was withholding vital information (the Biological Assessment) from the consulting parties. Since the Parties had not received the report, I believe we were lacking important information at our meeting on July 13, 2011. There was significant discussion at that meeting concerning the biological impact from leaving the bridge in place, and the Parties were lacking important information to be able to respond to the statements being made by others. To compound the withholding of this report by WSDOT, it was discovered, since the meeting, that the Biological Assessment didn't even address the impacts of leaving the McMillin Bridge in place. The report was based only on demolition of the existing bridge. I believe this is a fatal flaw by WSDOT to the integrity of the entire Section 106 Process.

Because a year has elapsed since I received the response and two years have elapsed since the report was prepared (August 18, 2009) there are several issues that need clarification to substantiate the validity of the report, namely:

1. In the first paragraph of the Executive Summary and on Page one it states the bridge has reached its useful life and has been deemed structurally deficient. While I agree it doesn't meet today's standards for vehicle use it certainly has many years of safe, useful life remaining. Please clarify this in the BA.

Also, the bridge is not structurally deficient. On August 04, 2010, I advised WSDOT that the bridge was not coded or listed in the Structural Inventory and Appraisal Report, or the WSDOT inspection report, as being structurally deficient. Also, my own personal structural inspection of the bridge confirmed the inspection

report. A year has elapsed and I am still waiting for WSDOT to formally respond to my assessment. The BA must be amended to delete the phrase “structurally deficient,” and other inaccurate statements described below, and resubmitted to the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS) and all of the agencies and Parties.

2. Continuing with the first paragraph of the Executive Summary and on page one, it states that the existing bridge will be demolished. That is an inaccurate statement. It is only one alternative; another alternative is to preserve the bridge. In order to comply with the Section 106 requirements the BA must be revised to include a study, evaluation and assessment of the effects of leaving the bridge in place. Withholding this information from the USFWS and the NMFS may have a serious impact on the analysis, findings and conclusions by those agencies. As a minimum, those agencies must respond they are aware of other alternatives and provide their assessments and concerns. Otherwise, their reports do not fulfill the requirements of the Section 106 Process. Also, they must state whether they oppose preservation of the McMillin Bridge in its present location, and to do so, those agencies must have that alternative included in the Biological Assessment.

3. At the top of page two, the BA states the bridge includes placing four drilled shafts. On pages 6 and 7, it says the bridge will be built with three drilled shafts. Please correct the BA to clarify these statements. Further, I request that a Bridge Design Layout be included with the BA to show the shafts in Plan and Elevation, which is the usual practice on all Bridge Layouts.

4. I understand that rip rap was proposed for placement at Pier three of the new bridge. I don't find any discussion or details about that in the BA. Please clarify this issue in the BA and provide a drawing showing the details if it is still proposed. Also, the BA should be amended to describe the aquatic impacts. Since a drilled shaft is being used at pier three it doesn't seem necessary to provide rip rap for scour protection of the shaft, and the Site and Reach Assessment Report didn't address rip rap being used at that pier.

5. I am not aware of any documentation that describes future changes in the cross-section of the river channel at the location of the bridge. If there is any potential for future channel modifications at the bridge, the BA should address future setbacks of the existing banks of the river channel relative to the location of Piers 2 and 3 of the new bridge. The cross-section of the channel at the new bridge is almost identical to that of the existing McMillin Bridge. However, even though the proposed new bridge is 270 feet long the span of the new bridge across the river is only 160 feet compared to the 170 feet of the existing McMillin Bridge. Please

provide documentation in the BA why WSDOT did not follow the recommendation of its own Site and Reach Assessment Report that recommended a single span of 200 feet that would span the entire mapped 100-year floodplain. In such case there would be no need for any rip rap. In addition, the BA must address the rationale for using a 160 foot span that is less than the 170 foot span of the McMillin Bridge. At the July 13, 2011 meeting of WSDOT and the consulting parties, Mr. Jeff Sawyer and you agreed with my analysis that the 170 foot span is not causing a restriction of the 100 year river flow at the existing cross-section.

6. The Table of Contents lists Appendix A through L but is not included with the document. Please provide those sheets and include them with the revised BA.

Please be advised that this response is not intended to be a complete review of the BA. Due to the absence of the Appendix, the discrepancies and inaccurate statements discussed above, I believe it would be an inefficient use of my time to continue review without a revised and accurate BA.

I would appreciate a more timely response to my request. Considering WSDOT has repeatedly complained about delays being caused to project delivery due to the Section 106 Process, may I suggest a response in three weeks to address the items listed above including the analysis for leaving the McMillin Bridge in place.

Respectfully yours,

Robert H. Krier, P.E. (CE & SE)

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